IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4503/2004

IN

FIRST APPEAL NO.1447/2004

Rewachand Ladharam Ramchandani ... Applicants.

& Anr.

Versus

Hemant Kumar C.Lavane & Ors. .... Respdts.

Shri N.B.Shah i/b Piyush Shah for applicant.

Shri P.J. Pawar for respdt.

CORAM: S.B.MHASE &

S.R.SATHE,JJ.

DATE : 4TH JULY 2005.

PC:

1. Heard both sides. The Suit filed by the respondent has been decreed and the property which is subject matter of Agreement of Sale has been directed to be restored to the original

vendor,respodent. The question involved in the present matter is as to whether there was breach of contract between the parties and/or not; which is a matter of fact to be investigated at the time of hearing of the appeal. However, since the proeprty intially belongs to respondent and was given into possession of applicant, in view of the said Agreement blanket stay will not suffice in the present matter. Therefore, we pass following order.

ORDER:

1. Decree passed in Special Civil Suit No.445/91 dated 19/8/2004 by the Civil Judge,Senior Division, Pune is hereby stayed till the final disposal of Appeal on condition that, the appellant shall not create any third party interest on the said property and shall not raise any loan as against the said property.

2. Civil Application stand disposed off accordingly.

3. In view of Order passed in Civil Application NO.4503/2004, Civil Application No.1156/2005 stand disposed off.

(S.R.SATHE) **(S.B.MHASE)**